

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

December 4, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, DECEMBER 4, 2015, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Maui County Council shall please come to order.

Mr. Clerk, will you please call the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH, JR., MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS S. STACY CRIVELLO AND G. RIKI HOKAMA.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are seven Members present and two Members excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And, this morning we have opening remarks from Member Don Couch.

### OPENING REMARKS

The opening remarks were offered by Don Couch.

CHAIR WHITE: Thank you, Mr. Couch.

And, will you all please rise and join me in the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

### CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 15-147

CONGRATULATING HĀLAU KEKUAOKALĀ`AU`ALA`ILIAHI  
FOR ITS ACHIEVEMENTS AT THE 40TH ANNUAL  
QUEEN LILI`UOKALANI KEIKI HULA COMPETITION

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

MEMBERS, COLLEAGUES, STAFF, I WOULD LIKE TO ASK  
ALL OF YOU TO PLEASE SUPPORT, AND I MOVE THAT  
THIS RESOLUTION BE PASSED. YOU GUYS WAS ALL  
GETTING NERVOUS. DON'T WORRY, I GOT IT. I KNOW,  
EVERYBODY LIKE, WAIT, THE RESOLUTION, I GOT IT. I  
MOVE THE RESOLUTION BE PASSED.

COUNCILMEMBER COUCH: Second.

COUNCILMEMBER CARROLL:

I SECOND, MR. CHAIR; SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Carroll.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Now, may I have the resolution read in its entirety?

CHAIR WHITE: We'd be happy to order that.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR WHITE: Mr. Clerk.

*(The resolution was read in its entirety.)*

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Mahalo, Mr. Chair. It just seems like just yesterday we were here honoring Haunani and `Iliahi Paredes, for winning or being the winners of the 39th Annual Keiki Hula Competition. And, they're back again this year. A real tribute not only to their dedication to the community and to their students, but really their dedication to the culture, the host culture Hawaii.

And, I'd like to recognize also that `Iliahi and Haunani not only are Kumu Hula's and do such great work, they're also County employees. And, I'd like to recognize that fact because they dedicate themselves not only to what they do within the community, but also to their jobs. And, I really am appreciative of what they do.

To our two winners, for the years of dedication they have set forth to Haunani and `Iliahi's daughter, you follow in great roots, you follow your parents and grandparents, and that is something to be marveled at.

To the young man from Iao, I remember seeing them as I was doing some meetings there at Iao School. `Iliahi would take these boys outside on the grass and they would practice out on the grass, cause that's the only area they had to practice. That is why my hope one day is to have some facility for all of our halau's to be able to practice, so that they can even better themselves.

With all that being said, Maui, again, is proud. Maui is made proud by this group of, of Kumu Hula who come out, give their time, and help our youth become better overall citizens.

So, I want to thank them. I want to thank their parents for what they do, because like everything else, it takes a village to raise a child. It takes all of us contributing to make sure they're successful. They put in the hard work, they put in the dedication. We put in the money and effort to get them there. And, so I'm proud to say that Maui, again, sits tall today in the world of hula. And, I think we will now, as we go on to the Merrie Monarch and others, stand tall and really be a force in competitions throughout this State and throughout the nation.

So, thank you, Mr. Chair for allowing me this opportunity.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I'm very proud of them. I'm proud of them for their love and dedication, preserving the culture, and being some, someone that our people can look up to. I have great-grandchildren. When I see young people like this come up, showing this love and dedication to the preservation of the culture, and just only the love, it's a good influence from all those that are going to follow.

And, I just can't bring the words out to how proud I am of them, and how I and my family appreciate them. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, further discussion?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I also would like to congratulate Haunani and `Iliahi. I known him as Brandon. I, we, we were, we were very much so partners at the Prosecutor's Office. And, I remember the day that Faith was born, and years go by so fast. And, it, it, it just, it gives me such pride and joy to see the success in her eyes, and just the endeavors that Brandon folks continue to do.

My daughter was part of the Halau years ago. And, I remember having to, having her walk up to the mountains and pick flowers. So, not only are they instilling and teaching the kids the skills, but they're really looking at, and, and looking at teaching them the, the true culture of, of Hawaii. So, I appreciate that. And, I wish them very much success in the future. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I don't want to miss the opportunity to offer my congratulations, again, to another group of people from Maui that excel. You know, that's becoming very common here. It's becoming like we almost expect this every time now, because so many of our Maui County people are outstanding.

However, this group, we've had the opportunity to watch. And, we've seen them get together, form, form their Halau and win year after year, and do all these wonderful things. And, so, I want to offer my congratulations and thanks to them for their commitment to what they're doing. This is not an easy thing to do; not easy for the Kumu, not easy for the students, or the families, or everybody who gets involved.

I have hula dancers in my office, and I listen to all of the heartache that goes on with them being able to get to practice, and look for the right flowers, and the right . . . and the right whatever.

And, it's a major event, and a lot of dedication. So, thank you again very, very much. And, all the best.

CHAIR WHITE: Thank you, Ms. Baisa.

Well, seeing no further discussion, I would just like to say that I've been watching `Iliahi and Haunani for a long, long time, and have been so impressed with their professionalism and discipline. And, it comes through in their keiki. And, I can remember back when, well, I should say that not only have they won the competitions on Oahu, but they have won numerous top awards at our Hula O Na Keiki Festival each year.

And, what's really fun for me, is to see Iliahi and Haunani's daughter now taking the stage, because Haunani was either the winner of our first Hula O Na Keiki or our

second Hula O Na Keiki. So, she has returned as a Kumu Hula, and has continued to win year after year with `Iliahi. So, it's, it's really fun to watch generation from generation, and the dedication that the parents have, and is, is matched, and possibly even exceeded by that of their Kumu.

So, it's, it's a very exciting time for Maui and a very exciting time for all of us. So, mahalo to the parents. And, mahalo to `Iliahi and Haunani, especially. So, I wish Haunani could be here today, but she's working.

So, with that, Mr. Victorino.

COUNCILMEMBER VICTORINO: No, nothing else.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER VICTORINO: Yea, if you don't mind please.

CHAIR WHITE: All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", two "excused"; Mr.'s Hokama and, Mr. Hokama and Ms. Crivello. Thank you.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: With your permission, could I call up `Iliahi and the Master and Miss Keiki Hula to the podium. And they would like to perform, after saying mahalo, they'd like to perform one dance each, if that would be allowed.

CHAIR WHITE: That's certainly allowed.

COUNCILMEMBER VICTORINO: Thank you very much.

CHAIR WHITE: Without objections.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: I don't think we'll find any objections.

COUNCILMEMBER VICTORINO: Okay.

Mr. Chair and audience, may I present Master and Miss Keiki Hula 2015.

I have a resolution for you, and you will get copies, but I'll give this to you now.

And, Faith, I am so proud to have seen you grown up and, and, you know, you're just as beautiful as your mother. And, I'm glad you took your looks from your mother. Really important in this area, yea? But, you are a beautiful young lady.

And, young man, keep up the good work. Even though you have to go out in the field in Lao School and practice, it's all good right? Yea, absolutely.

Ladies and gentlemen, Kumu Hula `Iliahi Paredes. I'm sorry. Go ahead.

MR. `ILIAHI PAREDES: Ke aloha nui a kakou, Chair White, Councilmembers. Mahalo nui for this, this wonderful, wonderful honor. My wife couldn't be here today, but she sends her love. And, we send our love from Hālau Kekuaokalā`au`ala`iliahi to all of you.

Yes, it does seem like just yesterday we were here. You know, it is a blessing for us to stand here and to, to share our love for Maui. We love Maui. We love being from here. Our keiki love being from here. And, when we are at the Queen Lili`uokalani Keiki Hula Competition or at the Hula O Na Keiki Competition, it brings us much pride and humility at the same time to, to know that we come from this aina. That we represent the people here, that yes, the village, the village of Maui County has allowed us to do the things that we, we love to do. So, to the people of Maui, to all of you, we appreciate just everything that has been done for us; all the sacrifices that have been done for us.

My, my wife and I just learned, we heard someone speak about the word mahalo; thanks. And, this person shared with us that mahalo is more than just a word, it's a state of being. When you are mahalo, you in that state of being mahalo, of thanks, of appreciation, and that's so correct; that's so pono. When we were at the Queen

Lili'uokalani Keiki Hula Competition this year, it was a very special year for us. It was the 40th anniversary of the Queen Lili'uokalani Keiki Hula Competition. But, this year, my wife and I really got the opportunity to feel the excitement, and the exhilaration, and the nervousness of being a parent of a soloist.

And, you know, the instinct of being a parent really just rang so strongly on that Thursday night when these two competed, and they danced their heart out. We feel like these two keiki are our, our, are our kids; one is biologically, and one is in our hearts. And, when each were awarded their titles, "ua hele lei i ka ka wai maka", the tears flew, flowed down because we were so happy for them, and all the work that they put in. And, for all the kids, they just dedicate themselves and love the hula.

We're in a state of mahalo, a state of being a, in appreciation of thanks, and we thank all of you for that. In that state of mahalo, we want to share some hula really quickly. I know this is a long meeting.

So, we want to start off with our Master Keiki Hula 2015, Kevin Inoalani Aloiau, Jr. He's going to do for you a mele entitled "Aloha `Ia `O Wai`anae", a mele that takes us to the island of Oahu where I learned my hula. And, I now share it here with the keiki kane and the kane of, of Maui. So, without any further ado, Master Keiki Hula 2015.

*(Master Keiki Hula performed a hula auana entitled "Aloha `Ia `O Wai`anae".)*

MR. PAREDES: Mahalo Inoa. You know, as, as a parent, watching my daughter dance was such an amazing experience. My wife and I were in the back when they were announcing the awards, and again, that parent instinct took over. We were no longer Kumu Hula, we were parents. And, with that, came just extreme nervousness. And, I looked at my daughter, she was so confident and so calm. She looked at me and she said, dad, whatever happens win or lose, I'm fine, I'm happy. And, I thought to myself, okay who's the adult here? Cause I was really freaking out.

But, my daughter danced a mele entitled "Ka Beauty", that I wrote several years ago for my, for my grandmother. And, I think we all can agree that the bond between a grandparent and a grandchild maybe is a lot stronger than even a parent and a child sometimes, yea? My grandmother, I'm going to say this, she was the best grandmother, the most beautiful grandmother. And, this was a gift that I could share with her, a mele, "Ka Beauty". Miss, Miss Keiki Hula 2015.

*(Miss Keiki Hula performed a hula auana entitled "Ka Beauty".)*



COUNCILMEMBER VICTORINO: Thank you. Thank you very much. Oh, thank you very much, Faith. You remind me so much of your mother. Oh, my God, am I not correct, Mr. White?

CHAIR WHITE: Absolutely.

COUNCILMEMBER VICTORINO: Amazing. Thank you very much. Master Hula, Master Keiki Hula, mahalo's, God bless you. And, your parents are here. I'd like to, if you would stand and be recognized. His mom is here. Thank you so much for being here. Thank you, God bless you, and happy holidays.

MR. PAREDES: Happy holidays.

COUNCILMEMBER VICTORINO: And, may you continue with your success. God bless you all. Thank you.

Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

That's fine. And, as soon as the Clerk is ready, we'll proceed.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER VICTORINO: If I may have a point of personal privilege please.

CHAIR WHITE: Sure.

COUNCILMEMBER VICTORINO: After all that great and beautiful dancing, I am moved to take a somber moment, if I may. As Mr. Couch has mentioned, we've lost one of our own. Her mother passed away day before yesterday. And, we're sorry and we send our condolences.

But more importantly, this country and this world has been hit again, by terrorists who are trying to change our lifestyle. San Bernardino has become another terrorist site. Pretty much all the evidence is pointing towards that at this point. And, I'd like to take a moment of silence to pray for the 14 individuals whose families this Christmas, and this holiday season, will be missing them.

More importantly, we in the United States, State of Hawaii, and County of Maui, are resolved not to give in to these people. We are not going to buckle under. And, we will be resolved to continue our fight to make our way of life the best it can be.

So, with your permission, I'd like to ask for a moment of silence for those who lost their lives in San Bernardino.

CHAIR WHITE: Thank you.

*MEMBERS OF THE COUNCIL, AND OTHERS IN ATTENDANCE, OBSERVED A MOMENT OF SILENCE.*

CHAIR WHITE: Thank you, Mr. Victorino.

And, Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals, who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier. Molokai Office, please identify yourself and introduce your first testifier.

MS. TINA THOMPSON: Morning. This is Tina Thompson at the Molokai Council Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have ten individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Darren Strand testifying on Committee Report 15-165. He will be followed by Gene Zarro.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. DARREN STRAND, MAUI COUNTY FARM BUREAU (testifying on Committee Report 15-165):

Good morning.

CHAIR WHITE: Good morning.

MR. STRAND: You know, oftentimes when I, when I come down to testify, and usually it's Warren calls me and says I can't make it, you got to go down. And, I think, oh what a bummer. And, and I come down from the farm, but what a great treat this morning. And, what a great place to be at the right time. So, thank you.

Chair White, Vice-Chair Guzman, and Members of the Council. Good morning, I'm Darren Strand. I'm the President of Maui County Farm Bureau.

The current Kula Ag Park is a shining example of how committing resources to commercial ag production can lead to continued success. You can pretty much go into any grocery or home retailer and see broccoli, cabbage, potted plants, onions, flowers, fruits, and, and so much more that is grown right there in our own ag park. It just makes intuitive sense to seek a way to duplicate the success.

We hear a lot about projects like the Whitmore Village infrastructure improvements and the Galbraith land purchase in the Agribusiness Development Corporation's partnership with Oahu County. It also makes sense to predict ag production on Oahu as it is the population center in the, and the largest marketplace. But, it is important not to forget about the neighbor islands when targeting agriculture investments in the future.

While Maui County Farm Bureau strongly supports measure 15-165, to expand the Kula Ag Park, we do have concerns that connecting the expansion with access to reliable and affordable water. There is concern among current tenants that this expansion will put their operations at risk for shortages, and increase costs of water.

I respectfully seek your support of this expansion with your consideration for access to ag water. Thank you.

CHAIR WHITE: Thank you, Mr. Strand.

Members, are there any need for clarification? Seeing none, thank you for being here this morning.

MR. STRAND: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Gene Zarro, testifying on County Communication 15-291. He will be followed by Jonathan Starr.

MR. GENE ZARRO, SOUTH MAUI LEARNING OHANA (testifying on County Communication No. 15-291):

Good morning, Council Chair. Good morning, Councilmembers.

CHAIR WHITE: Good morning.

MR. ZARRO: And, thank you for the opportunity to speak to you today about agenda item 15-291. As many of you know, South Maui Learning Ohana has been working on a project for the last nearly 20 years. And, that is not only the establishment of Kihei Charter School, but a permanent home for Kihei Charter School.

South Maui Learning Ohana has secured guaranteed funding from the USDA in the amount of \$17.7 million. This is a, these funds are very favorable; a 40-year mortgage at three and a half percent. However, USDA prefers to operate through interim financing so that they do not have to deal with the impacts of doing draw schedules and things like that. They would prefer that be done by a secondary interim financing arrangement, and then at the end of that, the guaranteed funds take out the interim financing when the keys are turned over to South Maui Learning Ohana.

So, what's before you today is a resolution that would allow the Wisconsin Public Facilities Authority to issue a \$17.7 million worth of interim financing bonds at two percent interest, which will save South Maui Learning Ohana about \$150,000 in carrying costs. Once this resolution is approved, and if it is approved, that's when the real work begins. That's when the bonding agencies start getting the paperwork together to issue this bond. So, there's another six weeks to two months' worth of work that will follow the eventual, hopefully, approval of this resolution.

So, why is this resolution before you today? The resolution is before you today, even though there is no obligation whatsoever on the County of Maui, this is all guaranteed by the USDA. The resolution is before you today because a State, Wisconsin, can come to the aid of South Maui Learning Ohana, and issue these bonds. But, the IRS has a condition that requires the Wisconsin authority to approve of this, as well as the governing authority where the project is going to be built.

So, in other words, even if this were, let's say there was a legal project that could be built but they needed interim financing, and you as a Council did not want this project to be built. You could vote against the interim financing, and Wisconsin would walk away from the, from enabling that organization.

So, there's no obligation on the County of Maui to go ahead and approve this resolution. The obligation is totally on the USDA and South Maui Learning Ohana.

The other important point to recognize is that there are no vehicles in the State of Hawaii to allow a non-profit in support of a charter school to have this opportunity. We are very fortunate that Wisconsin is able to do this for non-profits in Hawaii.

One of the other legal things that needed to be done was a notice of public hearing needed to be published for a minimum of 14 days. We published it for 15 days, and I believe that came to conclusion yesterday or the day before.

DEPUTY COUNTY CLERK: Four minutes.

MR. ZARRO: So, that's where we are at and I thank you for your consideration.

CHAIR WHITE: Okay, thank you, Mr. Zarro.

Members, any need for clarification of the testimony? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jonathan Starr testifying on Committee Report 15-171. Following Jonathan Starr will be Helen Nielsen.

MR. JONATHAN STARR (testifying on Committee Report 15-171):

Good morning, Councilmembers.

CHAIR WHITE: Good morning.

MR. STARR: Happy holidays. My name is Jonathan Starr. I'm here to testify on 15-171, which is the Special Governance Committee. And, I look at this as an opportunity that comes once in a, our civic lives. And, it's something that should be both inspirational and aspirational.

It is not an process that is there to criticize anyone or even the functions of our government, which for the most part is really excellent. And, as with any other excellent system, we have to strive to improve it and learn, and find better ways to do it, or realize that what we're doing is the best possible.

So, the ability to really examine our governance and see what we could do to improve it, and hopefully be able to help herd the, an organization through a very complex process is, is a real exciting opportunity. In doing a bit of research, I found that I have a lot less fear of the thing than I initially did, because there are a lot of great resources. And there are some really wonderful organizations that have worked on this type of thing, and have many resources available to us.

One example, for example, one example is the National Civic League, which has been around for a hundred years, was founded by Chief Justice Brandeis and Teddy Roosevelt, and other notables in Philadelphia when they decided to create a conference and organization on how best to do government. They have a guide to charter commissions, which seems like a perfect road map, not for creating anything

specific, but for how to function, how to create the function of examining what would be the best for a community. And, there were a lot of models.

About two-thirds of municipal governments now use a different system than we do. And, that, that has been rising number. And, the move toward professional management is a very steady, steady thing. But, there have to be benchmarks, there has to be a process, a system, it has to be legal. And, this committee will have to work like crazy to come up with a framework.

We'll have to get the best help we can from staff and our, our legal team, and we'll probably have to have committees. And, I really hope that all the Members are able to put in the time and really put in their thinking processes to work together as a team to get it done. And, if that happens, it should be a wonderful opportunity for all of us to see if we can do, do better, and manage our Maui Nui, which we love so much, in the best possible way.

So, thank you for letting me potentially participate in this. Aloha.

CHAIR WHITE: Thank you very much, Mr. Starr.

Any need for clarification, Members? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Helen Nielsen, testifying on Committee Report 15-171. She'll be followed by Jim Smith.

MS. HELEN NIELSEN (testifying on Committee Report 15-171):

Good morning, Chair. Good morning, Councilmembers. My name is Helen Nielsen. I'm here on the same topic as Jonathan.

I'm just here to speak in favor of this resolution. I think it's a good thing to examine with no judgement on, on how the outcome will be.

But, I'd like to commend the Councilmembers for choosing such a stellar group of people from across the community. And, I really wish them well, and hope that you will vote in favor of this resolution. Happy holidays.

CHAIR WHITE: Thank you, Ms. Nielsen.

Members, any need for clarification? Seeing none, thanks for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jim Smith testifying on County Communication 15-291, County Communication 15-296, Committee Reports 15-166 and 15-171, and Bill 79 (2015). He will be followed by Paul Jones-Brown *[sic]*.

MR. JIM SMITH [testifying on Committee Reports 15-166 and 15-171, County Communication Nos. 15-291 and 15-296, and Bill 79 (2015)]:

Aloha, Chair. Aloha, Members. My name is Jim Smith. I'm from that great place known as Haiku. I'm so proud of Haiku. I love it there. I hope I'm not chased out of there.

All right, could you please turn to the Mayor's letter to you which is, I believe it's Communication 15-296. And, in this letter by you, are transmitted a number of proposed bills by the Mayor. Now he knows nothing about managing homeless facilities or dealing with people on the streets. He probably plays good poker, bridge, and chess, but he is not a person to bring to you from an office, legislation in our structure. That should come from a Director.

But, he brings you a bill, and the substance of which is to say that these are issues of conduct. Homelessness is an issue of conduct. So, you have to talk about aggressive begging. You have to talk about taking somebody's cart, all this kind of stuff in legislation. It's ridiculous. The issue is shelter, shelter, shelter, shelter; not homelessness or poverty or any of that stuff. But, when you go into that, you throw up a screen. You throw up a bias, a status, a system in which the more wealth you have means you're a better person cause it took more commitment to get it. But, that's not the issue with homelessness.

And, the Mayor brings you this letter to fulfill his wish, that you follow his dictates on how to solve homelessness. And, that's not the structure we live in. And, that's the structure that is being dismantled. And, we want to hold on to that structure. So, I would ask you to please, either send the letter back to the Mayor and ask him to send ordinances from the people who know something about their, what they're doing, or file the letter.



But, certainly don't waste any time seeking further information from directors when that was his job. His job was to take, from the Director, a policy that would help the Director and approve it, if he thought that this was right financially, okay. He didn't do that.

So, I would ask you, file it or send it back. Thank you very much. That's my first testimony.

The second testimony has to do with something that's very troubling. On November 18, a public notice was filed in the Maui News regarding expenditure of 15 million, \$19 million. It said that the Council was going to hold a public hearing on this matter, okay. It was published two days before Mr. Couch transmitted his communication that can't, contained a resolution. So, who wrote the resolution, and who paid for the resolution, and who paid for the ad? And, is this a gift to the County? Or is this something that doesn't exist except your imagination, but we're going to act on a county communication and say it is a public hearing? Because we can't.

Well, we have a charter provision, and I think it's 13-2-11, which says when the Council is required to hold a public hearing, they will notice a public hearing. And, they didn't, you didn't. You're not even aware of where it came from. It's a mess. It really is a mess. I ask you not to toy with it, not to do a magnificent bring it out on the floor and act on it, because I don't have documents attached to anything that tells me about the architecture, that tells me about the funding, in order to give testimony at a public hearing which has not been called.

Now, the problem is, this Council may not care. And, that is a political ideology. That's not feel good, doing the right for the County. That's some other thing that's a political ideology that says let's focus on results. We live in a constantly changing world. We can fix it next time. Okay, so, let's just throw our votes out and act. That's an ideology. That's you, if you proceed in that way. It's not a structure in which there's this dysfunction in an executive branch, no, no, no.

Politics is about ideology. It's not about money as per se. Ideology, of course, goes to, to food in the mouth, and war, and peace, and love, and all those kind of thing. For ohana, all of that, okay, has to do with personal, ohana, family, not here. This is common. This is the guy who's out there, who's not a part of the ohana, who looks to you for good knowledge.

So, I would ask you to file this communication or send it to the Policy Committee and investigate what is going on. Who is ruling? The Council or some non-profit

organization that has the bucks? Wants to put in a private high school with funding from a public resource Wisconsin. Huh? We don't need the State of Hawaii. Send it packing until we have a public hearing. I want to be at that public hearing, but there is none, because you don't have to. This is the ideology. You don't have to. Thank you.

Sorry for that. I extended beyond my time on that issue.

The next thing is, and this is, this is going along with this ideology and political things that we have to consider. And, that is the Bill 74, I believe it is. Is it 74? Bill 74, the one, Bill 79. And, this is eliminating central parks. It's a, it's because, and the, and the Committee Report which is 15-162, says it's cumbersome. And, we want to have flexibility, and we want to decrease the number of variances. Well, do you know a variance affects the people next door?

Do you know that the people in Wailuku who had a stadium going to be built next to them, if this bill were in place, they'd lose the option of going to a variance, or lose that kind of an option, because it felt good, cause you were doing what you thought was good for the community so we're going to let it go. Because the guy who's a communicator is now the Director of Parks, and he finds the existing ordinance burdensome or cumbersome, and he wants you to change it, and you snap to and you change it. Huh? Huh?

Please, send this bill back to committee. Give it the serious reflection that it needs. It changes heights. It eliminates Central Maui so you can build a tower. You can do whatever the hell you want without a variance because you're focused on results for the guy with the money. And, you're ignoring, you're not seeing a culture of silence which is us, who's wondering, what. And, then they see this crazy, why did you have that bill. To update the existing code. That is so unnecessary because it is cumbersome to the communicator who is director? That is so unnecessary.

This is ideology. This is not structure. This is you if you go that way. And, I ask you not to go that way on this bill. I ask you to recommit it, and iron this stuff out, because your committee reports are like two pages. You don't know when you read that whether you've been sold a product or you understand what happened, okay. And, that's sad to me.

So, I ask you, take that bill and bring it back to committee. And find out how it applies to next door neighbors who don't want a football stadium or an entertainment venue next door that doesn't need a variance, because it's cumbersome. Huh? And, this is the chamber this is being deliberated in. So, please, please show oversight. That ends my testimony on Bill 79.

The next bill, and I've, incidentally I tried to speak to Member Couch, okay, a couple of times about the letter on the 19 million bill that I asked you guys, you know, the private school Kihei thing that's a communication. I tried to call. I never got in touch. So, I'm sorry if that caught you by surprise.

The next item is from the Economic Development, Energy, and Agricultural, Recreation Committee. And, I've spoken to Member Guzman about this briefly. And, I'm saying, you know what, the executive failed. They didn't do an EA, 205 [sic], they were supposed to do an EA before additional permits were issued.

(Councilmember Victorino was excused from the meeting at 9:57 a.m.)

MR. SMITH: And, they didn't do it, and they didn't do it in '06, '07, '08, '09, '10, '11.

And, now, you come forward with a bill that repeals it, so that the notion that an EA was required, the substantive reasoning for that is not taken into consideration. The fact that there's been a dereliction of the executive branch has become a dereliction of the legislative branch, has become why are you doing this? Because, it's good for the community. Huh? Common knowledge, right or wrong, it's easy if it's done right to do what you want.

The hard part is doing it right so that everyone can see it. The easy part is to get an attorney to change the word, okay, from public hearing, capital to small "p", letting you do whatever you want when you want. And, that's a different structure of government. And, that's what you're being put up against every time. And, so, now you're taking up this, this bill because there's been a failure, because there's, you call it a moratorium because Corporation Counsel is going to give you the odds that this is going to work if you repeal the EA. Well, that's not going to work at all, because there was a presumption that the impact upon local people would be real. And, you wanted to know how real. An executive didn't do anything, and legislative didn't do anything. And, here we are repealing it; ridiculous. Please, step up. Send this bill back, if you can.

I can be a little aggressive, I'm sorry. I don't mean any offense to anyone. But, it means something to me.

The final, I believe it's the final. Is this the final, Chair.

DEPUTY COUNTY CLERK: The last item you signed up to testify for is Committee Report 15-171.

MR. SMITH: Okay. This is, this is an interesting moment in our culture. If anybody wants to change the structure of our government, they can do a petition. They don't need to come here, you guys don't need to study it, or any of that stuff. We can do it, but they bring you in cause the odds are better; that if you've send it out, okay, it will get adopted.

(Councilmember Victorino returned to the meeting at 9:59 a.m.)

MR. SMITH: Now, there are a couple of problems with this resolution, I think, okay. One is, a . . . okay, to appoint esteemed members to a committee, esteemed community members to a committee. Well, I'm not an esteemed community member. And, so, when a report comes from a group of esteemed community members, in this ideology, you take ten esteemed members and one un-esteemed member, and you go with the esteemed members, and you don't even think about the substance of the resolution. And, that is an ideology. That is a focus of results. That's a constantly changing world. That's, the consequence is here today of that effort to change our structure, okay.

So, the problem is not the structure at all. It's people don't like the idea of government. And, so you're going to change, remove the principle, which is Democrat, Republican. You're going to make a nonpartisan. You're going to, you're going to do all of these things, avoiding the question, do you want government? The answer is no, nobody wants government. This government is common to all. And, this government is the best of all. And, this is the government they want to change. They want to take away executive, okay, on the presumption that the legislative is not the problem.

And, there's been no study. So, if this resolution is passed, I don't think it will, but assuming it is passed, okay, I would ask that number one, you remove the word "esteem", okay. And, number two, you change the subject, it's to analyze the existing performance of government in comparison to any other government. Not a forgone conclusion that somehow this manager-council form is anything. And, it really isn't. You could have a administrator, auditor, there's a lot of different. And, somehow, you got the idea that this was the thing to do. And, you got it because guys with status and eminent guys came up here and told you.

And, I'm saying, let them study the question of whether or not the legislative branch is as responsible as the executive, and whether we should do away with both. Now, that's a solution to some people; not to me. Thank you very much.

CHAIR WHITE: Thank you very much.

Members, any need for clarification on any of the five items? Seeing none, thank you very much for being here, Mr. Smith.

MR. SMITH: Aloha.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Paul James-Brown *[sic]*, testifying on Committee Report 15-171. He'll be followed Greg LaGoy.

MR. PAUL JANES-BROWN (testifying on Committee Report 15-171):

Aloha kakahiaka, Mr. Chair, Councilmembers, ladies and gentlemen.

CHAIR WHITE: Good morning.

MR. JANES-BROWN: I'm Paul Janes-Brown. I live in Makawao. Today is an historic day. Today you will take the first step towards improving County government. The establishment of this committee, which represents our best, to look into the efficacy of the Council manager structure for our future is a momentous step. Years from now, this day, December 4, 2015, will be looked back to as an historic and auspicious day when we made the first move to the professionalization of management of our County government.

I am confident, when this special committee looks at what other similar counties are doing regarding professional management and delivery of services, they will recommend a change in our Charter, from our current mayoral form to a professional County Manager and Council form.

I don't need to tell you the complexity of the County organization; you know. The County is the largest employer, with the biggest budget. In fact, our budget works out to \$2 million a day, or 12, \$12.50 per person for every man, woman, and child, on this County per day. We need to have the conversation. We need to look at what can be.

This is not about the current Administration. This is about the future. The job of the County, simply put, is service delivery in accordance with ordinances adopted by the Council. The Chief Executive Officer of this complex organization needs to

understand and be able to lead a qualified, experienced seasoned team that practices the most contemporary management techniques in concert with technology, to do the best job possible for the people of Maui County.

This will mean job descriptions for Department Heads. The opportunity for someone who has worked in the County government to, to head that department on merit, and not merely on who their friends are. It will mean an end to the unfortunate antipathy between the Executive and the Council. And, it will mean less featherbedding and a more economical budget.

The involvement of the Cost of Government Commission will provide the dollars and cents part of the equation. And, the special committee will look at not only what is working elsewhere, but what the downside might be. They will return with a report of their findings. And, I hope and trust that you will agree with their recommendation.

This is an exciting day and it is going to be an eye-opening time. My hope is that the people of Maui County will watch the committee's progress, learn along, along with the committee about how this may or may not serve the best interest of Maui and its people. We need to have the conversation.

Mahalo nui loa for what you are about to do. And Mele Kalikimaka, Hau'oli Maka Hiki Hou.

CHAIR WHITE: Thank you, Mr. Janes-Brown.

Members, any need for clarification of the testimony? Seeing none, appreciate you being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Greg LaGoy testifying on Committee Report 15-169. He will be followed by Patricia Cadiz.

MR. GREG LAGOY, HOSPICE MAUI, INC. (testifying on Committee Report 15-169):

Good morning, Chair and Councilmembers.

CHAIR WHITE: Good morning.

MR. LAGOY: I'm here to ask for your support in granting an easement to Hospice Maui for a sewerline across Mahalani Street and another County-owned parcel.

And, I'm here momentarily to answer questions anyone might have.

COUNCILMEMBER VICTORINO: Mr. Chair, could he introduce himself so I, I'm sure.

MR. LAGOY: Oh, I'm sorry.

COUNCILMEMBER VICTORINO: Yea, please.

MR. LAGOY: I'm sorry. I'm Greg LaGoy.

COUNCILMEMBER VICTORINO: And, your position?

MR. LAGOY: I'm the Chief Executive Officer of Hospice Maui.

COUNCILMEMBER VICTORINO: Thank you, sir.

CHAIR WHITE: Members, any questions for Mr. LaGoy.

I think it's a pretty straightforward item on our agenda this morning.

COUNCILMEMBER VICTORINO: Yes.

CHAIR WHITE: Thank you for being here.

MR. LAGOY: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Patricia Cadiz testifying on Committee Report 15-166. She will be followed by Rosemary Robbins.

MS. PATRICIA CADIZ (testifying on Committee Report 15-166):

Hello again. I'm Patricia Cadiz, here to testify on 15-166. This is the deletion of Section 7 for, deleting the need for an EA for new CORA permit holders.

You know, last time I testified at the Committee, I thought I was going to be comfortable with it. But, I've gone back and listened to the, the things that were said by Mr. Ueoka and Mr. Buenconsejo. And, I'm actually not as comfortable seeing this pass at this time.

CHAIR WHITE: Could you, could you get a little closer to the microphone?

MS. CADIZ: Oh, I'm sorry. Is that better?

CHAIR WHITE: There you go. Thanks.

MS. CADIZ: Okay, shall I start over, or is that okay?

CHAIR WHITE: No, that's fine.

MS. CADIZ: Okay. So, I, something just doesn't feel right. I don't think it's necessary to do this action right now. The Committee touched on that idea and then decided to go ahead and do it anyway. But, then going back and thinking about it more, it's apparently a first step towards doing something that we're not clear on the details of yet.

That's, the changes that affect CORA, or to be finished, according to Deputy Director, in two to four months. And, it was, we were told that they need to do this in order to do that. But, we don't know what that is yet. So, I'm not really comfortable taking step one until we know what step two is.

And then, I did go back and look at the testimony more carefully to make sure I heard correctly. Director Buenconsejo said the main reason he wanted to make the change is that there were people that had been waiting to get permits and he didn't want to require them to get an EA. And, he, then he went, went on and said later, I don't know how many there are, two to five, maybe three to five, we may not even give them out.

So, if the main reason is to give them out, and they may not even give them out, and it's going, only going to be two to four more months until we see what step two is. I would just be more comfortable doing it all at once so that we see where we're going. I, I just feel like there might be something else that this triggers.

And, I was also uncomfortable when I saw that Mr. Ueoka said, removing Section 7, the permits will expire under 5.24. So, that, that history of the permits being the, the existing permit holders being sort of, exempt from the need for an EA because they are an existing impact, not a new impact, that goes away with the deletion of



Section 7. And, even though he gave us plenty of assurances that he had no ill-intent, if it's taken out of the, out of the Code, I'm, I'm just not as comfortable as I was last time I spoke before the Committee.

And, then he also mentioned, if we move to concessions in the future, and I feel like if that's where he's headed, we need to know what that looks like. And, I'm all for exploring the good intent that I'm sure he has that concessions might be a way to get more money and make the parks better. I know that that's a goal of the parks committee and I'm all for that.

But, I feel like we need to decide with all facts on the table. And, the last time this body vetted the idea of concessions, they decided it was not a good idea. And, it's not just about money, there are other things to consider. Sorry, for going over time. Any questions?

CHAIR WHITE: Thank you, Ms. Cadiz.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. CADIZ: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins testifying on County Communication 15-288 and Committee Reports 15-169 and 15-170. She will be followed by David Dorn.

MS. ROSEMARY ROBBINS (testifying on Committee Reports 15-169 and 15-170, and County Communication No. 15-288):

Good morning, everybody. And, congratulations, they're not here now, but, and mahalo to our youth and their Halau this morning. What a wonderful way to kick off our weekend.

I'd like to speak first about those two communications, the 15-169, about hooking up Hospice Maui to the County's wastewater system. Amen. That's something that's going to be helpful for the whole of the Maui community, not just giving sectors.

And, that holds true for the adoption of the resolution authorizing the acceptance of a scent-tracking dog, valued at 5,000 from Friends of the Missing Child Center-Hawaii,

Department of Police, pursuant to Chapter 3.56, Maui County Code. And, again, that's countywide application of something that could be very, very helpful. I strongly support both of those.

Over onto County Communication 15-288. I'd like to read that Budget and Finance Committee Chair, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4128" which was from 2014, "AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING FUND FOR VARIOUS WATER PROJECTS, FISCAL YEAR 2015 BUDGET ORDINANCE". Keeping an eye and we're already halfway through this Fiscal Year.

This is proposing loans that have to be paid back by the taxpayers. We are already sky-high in debt for having to pay for wrongful actions and omissions by some of Maui's appointed directors. When this talks about water sources, it doesn't identify what they are, and I haven't had a chance to go over the particular ones for this, excuse me, Number 15-288.

But, I, I'm nervous about that, because I haven't seen anything in all the rest of the thousands of pages that I read on this, that are talking about water sources. We're talking about treating the water that we fouled. We're not talking about what are we doing in huge varieties, or in some cases, almost any varieties at all, depending on the geography, as to what are the sources. We're living surrounded by water.

We're living with aquifers under us, and we're not having houses built. And, it seems to all be focused on the housing. I just think we need to note that housing without plumbing, since there's no healthy water to go through the plumbing, would not accommodate the whole community. In fact, the big question is, who is it that would be benefitting from that?

We need to get a hold of that water on our own, here on Maui, rather than accumulating debts from the State. And, and that, some of that comes from the Fed to begin with, to have everybody else making up for the mess that we've made in some cases.

So, there are people out there that are trained to be able to handle the science that has evolved since we've known from way back when, that we needed with our increasing population to have more water; more water to drink, more water for bathing, more water to accommodate the agricultural stuff that goes on so we have little niches of that get done.

But, as far as accommodating our workforce people, our seniors, our keiki, I mean, the whole family of Maui, where is it? We've been supposedly pursuing it, not well enough. Please make sure that this is so well-defined and explored before it would ever come up for a vote. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is David Dorn testifying on Committee Report 15-166. He will be followed by Steve Perkins.

MR. DAVID DORN (testifying on Committee Report 15-166):

Aloha, Councilmembers and Chair. My name is David Dorn. I'm a beach-lover, and I'm a professional watersports instructor. Thank you for this opportunity to testify. We are against the deletion of Section 7, in 3143. And, this is in relation to Communication 15-166.

Section 7 currently prevents the over-issuance of CORA permits, by requiring an EA for new permits. This was the deliberate intention of the previous Council and the previous Administration. This mechanism was put into place based on years of public discussion, community meetings, industry testimony, and Council interactions. The decision to create this specific section of the ordinance, of the ordinance was not undertaken lightly.

Removing Section 7 entirely removes the last of the "checks and balances" that might prevent potential over-issuance of permits. Corp. Counsel Jeff Ueoka confirms that removing Section 7 would change the intention of the previous Council.

Removing Section 7, puts absolute power into the hands of one person, the Parks Director. He would have absolute unfettered power to revoke, change, add, issue an unlimited number of commercial permits to any beach park or park facilities. Without Section 7, there is no mechanism to ensure that any of the caps are followed, and there's no mechanism to ensure that these powers are not abused or accidentally misapplied.

The Parks Director has the power to arbitrarily rewrite currently any administrative rules without public vetting or Council involvement. Parks Director could immediately issue unlimited number of permits without any further oversight, public input, vetting or approval.

The Parks Director has already added new types of permits, permitted activities, and added new types of categories of permits like food vendors and community instructors.

Parks has, skip that, it was previous testifier, Patty Cadiz, said that Ka`ala, already said that, I don't even know how many permits there are or applicants. But, there's not much; two, three, maybe five permits. We may not even issue them. He also reminded us that as Parks Director, I have the power to revoke all of the permits at any time, which is a little scary.

The new CORA permits, or the new CORA rules will not be ready for several months, for several months. Deputy Director Brianne Savage said that she is working on the CORA rule changes, and they should be available in three or four months' time. So, we strongly recommend that the proper time to review Section 7 is when the new rules are in hand. And, nobody knows what the implications or impact of these new CORA rules will be.

At the last meeting, Parks Director gave Don Couch a vague verbal assurance that the existing permits will not be given up for lottery. Ka`ala said, as the rules are written now, the permits will be renewed, but things could change. Jeff Ueoka and Ka`ala confirmed that all permits will expire at the end of June, which is only six months' time.

Finally, please defer EAR-37. Do not repeal Section 7 of Ordinance 3143. We respectfully, we respectfully request that this measure be deferred so that we can see the new rules, and properly evaluate the scope of all of its impacts, and properly review the implications of the CORA industry, and assess the potential negative impacts this could have on public beaches and parks resources. Thank you.

CHAIR WHITE: Thank you, Mr. Dorn.

Members, any need for clarification.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: And, we do have Mr. Dorn's written testimony.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Mr. Dorn, for being here this morning. I was looking through your testimony and the one that caught my, my eye is the one in regards to Parks Director speaking to Councilmember Couch.

MR. DORN: Yes.

COUNCILMEMBER COCHRAN: And the, you saying vague verbal assurance that existing permits will not be given up for lottery. Can you elaborate?

MR. DORN: Right.

COUNCILMEMBER COCHRAN: Cause I--

MR. DORN: Well--

COUNCILMEMBER COCHRAN: --just how did you come to that conclusion?

MR. DORN: I reviewed my notes, and the videotape that we got of the last Council meeting. And, there was a bit of back and forth between Mr. Couch and Ka'ala saying, we have, I think Mr. Couch, said, we have you on record as saying these permits will not be revoked. As a way of confirming or consolidating his, you know, assertion that it's not his intention to put existing people out of business, and they'll try to renew permits as is, is the common practice. So, that is, that statement I made in the testimony is based on the playback of the actual Committee meeting last time.

COUNCILMEMBER COCHRAN: Oh, okay. So, you weren't physically at the meeting?

MR. DORN: Yea, I was.

COUNCILMEMBER COCHRAN: Oh, okay. All right. Thank you. Thank you, Chair.

CHAIR WHITE: Thank you.

Anybody else have need for clarification? Seeing none, thank you for being here Mr. Dorn.

MR. DORN: Thanks so much.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Steve Perkins testifying on County Communication 15-291. Mr. Perkins is the last individual who has signed up to testify in the Council chamber.

MR. STEVE PERKINS (testifying on County Communication No. 15-291):

Good morning, Chair White--

CHAIR WHITE: Good morning.

MR. PERKINS: --Vice-Chair Guzman and Members of the County Council. Thank you for the opportunity to provide brief testimony in strong support of agenda item 15-291.

My name is Steve Perkins and I'm a Board member. I'm a Board member of the Kihei Charter School. And, I'm testifying today as a, as an individual. I wanted to provide a bit of clarification on some previous testimony that you heard this morning.

Kihei Charter School is indeed a public school. It is not a private school. We currently have 550 students, 240 in the high school. And, I just wanted to provide that clarification, that we, we are a public school. Thank you for this opportunity to testify.

CHAIR WHITE: Thank you, Mr. Perkins.

Members, any need for clarification?

COUNCILMEMBER VICTORINO: Yea.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, and thank you, Mr. Perkins for clarifying that. Because, by law, all the charter schools are public.

MR. PERKINS: Yes, sir.

COUNCILMEMBER VICTORINO: It's not an academy. It's not a Saint Anthony or a Seabury. It is a charter school, which is all publically run under the charter system.

Cause I was one of the board members that were initially put that together when I was on the Board of Education. So, I remember this thing.

Thank you for that clarification. And, if that matter come up during the discussion, I would have made that clarification for the Committee.

MR. PERKINS: Thank you, sir.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Anything else, Members? Seeing none, thank you, Mr. Perkins.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. THOMPSON: There is no one waiting to testify at the Molokai Office.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

I note that we've received written testimony. Members, are there any objection to adding the testimony to the record?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY  
RECEIVED FROM THE FOLLOWING WERE MADE A PART  
OF THE RECORD OF THIS MEETING:

1. David Dorn;
2. Tyler Dos Santos-Tam, Hawaii Construction Alliance;
3. Warren Watanabe, Maui County Farm Bureau; and
4. Suzanne Dorn.

CHAIR WHITE: And, without objections, Members, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

And, Members, we'll take our morning break. Please be back in your seats by 10:40.  
We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:24 A.M., AND WAS  
RECONVENED AT 10:39 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS  
CRIVELLO, COCHRAN, AND HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting of the Maui County Council will come back to order.

Mr. Clerk, may we proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, relative to the ceremonial resolution, that was  
RESOLUTION 15-147.

Proceeding with minutes.



## MINUTES

The minutes of the Council of the County of Maui's regular meetings of October 6, 2015, and October 16, 2015, were presented at this time.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO APPROVE THE COUNTY, I MEAN, THE COUNCIL  
REGULAR MEETING MINUTES OF, SORRY, OCTOBER 6,  
2015, AND OCTOBER 16, 2015.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Members, any discussion on the minutes of those two regular meetings?

(Councilmember Cochran returned to the meeting at 10:40 a.m.)

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you.

All those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", two "excused";  
Mr. Hokama and Ms. Crivello.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 15-164 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 80 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, ACQUISITION OF REAL PROPERTY AT 2154 KAOHU STREET; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 81 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228, BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (ACQUISITION OF REAL PROPERTY AT 2154 KAOHU STREET)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That Resolution 15-148, entitled "AUTHORIZING THE ACQUISITION OF THE PROPERTY LOCATED AT 2154 KAOHU STREET, WAILUKU, MAUI, HAWAII," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Without objection from the other Members, may I ask the Clerk to bring up Committee Report No. 15-165 please?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

COMMITTEE REPORT

NO. 15-165 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 82 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (STATE OF HAWAII - KULA AGRICULTURAL PARK EXPANSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 83 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, OTHER PROJECTS, KULA AGRICULTURAL PARK EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 84 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228, BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KULA AGRICULTURAL PARK EXPANSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Resolution 15-149, entitled "APPROVING THE ACQUISITION OF 148.338 ACRES FOR THE EXPANSION OF THE KULA AGRICULTURAL PARK," be ADOPTED;
5. That Resolution 15-150, entitled "APPROVING THE ACQUISITION OF 224.8 ACRES FOR THE EXPANSION OF THE KULA AGRICULTURAL PARK," be ADOPTED; and
6. That County Communication 15-226, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN BUDGET  
AND FINANCE COMMITTEE REPORTS NO. 15-164 AND  
15-165.

COUNCILMEMBER CARROLL:

SECOND.

COUNCILMEMBER VICTORINO: Mr. Chair, I second the motion.

CHAIR WHITE: We have a motion from Mr. Couch and a second by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. On behalf of the Budget and Finance Committee Chairman Hokama, I want to issue these reports.

Your Committee met on November 3, 2015, to review the proposed acquisition of real property at 2154 Kaohu Street, for the Kalana O Maui Campus Expansion Project. The acquisition will create a project site that comprises contiguous properties, and will provide the Department of Management with more flexibility in designing the project.

The acquisition price was negotiated at \$1.2 million, and closing costs are estimated to be an additional \$20,000. The Administration is proposing to increase the appropriations from the Bond Fund to cover the acquisition costs.

And, as far as Committee Report No. 15-165, your Committee met on November 3, 2015, to review the proposed acquisition of three parcels comprising 373 acres for the expansion of the County's Kula Agricultural Park. The acquisition price of the three parcels total \$6 million.

The Administration anticipates receiving \$5 million from the State for the acquisition. In addition, the Administration is proposing to increase appropriations from the Bond Fund by \$1 million to cover the remaining acquisition cost.

I respectfully ask for the Council's support of both of these recommendations. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

CHAIR WHITE: Members, any further discussion on either of these items?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you Committee for working on these. And, my, I am voting in favor of both. But, I do, I have a comment on the 15-165, the extension of the Kula Ag Park.

And, Councilmember Guzman, and myself, along with Director Rasmussen, was able to do a tour up there. And, so I'm grateful for the Department on making their time for that. And, it's a beautiful piece of property. Looks like a lot of extra land for us to start, you know, for the expansion.

The thing that, I guess bothers me in a sense, is that we purchase lands from, and this is nothing against anyone, but I'm just looking at the "Limited Warranty Deed and With Reservations and Covenants", item B, "B. Covenants", "2. Agricultural Activities".

And, basically it's telling us that we, we assume the complete risk forever, and release the grantor for any damages, or basically abatement of any nuisances on the property. And, because it was pineapple fields with that black plastic everywhere. We got the first site tour was with the organic section, didn't incorporate any of that, but of course, the rest of it was in pine, as we know. And, I experienced this all through the Honolua area, in West Maui especially.

So, these are things that are left there from the previous owners. But, now it's going to be brought down upon us to be in charge of. And, if there's any abatement or any kind of things we need to do to clean it up per se, then that's now, we're held doing that.

So, I kind of would like, maybe in the future, for us to look at things of that nature, because it costs money. It's going to take time, energy, and effort on the part of the people who are going to be leasing and what have you, to make this land right for farming, you know, particular farming practices.

So, just caught my eye. Just wanted to bring that up at this time. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Yea, thank you, Chair. I, I also like to concur with Councilmember Cochran, yea. We did have an opportunity to actually take a site visit. And, we, we saw the, I guess, portions of it, which was the organic section, but the other half was not. And, so I also agree with any future endeavors to purchase lands and we look at that. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor of these two items, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 15-164, that's BILLS 80 and 81 (2015), and RESOLUTION 15-148, respectively.

And, relative to Committee Report 15-165, it's BILLS 82, 83, and 84 (2015), and RESOLUTIONS 15-149 and 15-150, respectively.

COMMITTEE REPORT

NO. 15-166 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Bill 85 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3143, RELATING TO CHAPTER 5.24, MAUI COUNTY CODE, RELATING TO OCEAN RECREATIONAL ACTIVITY BUSINESS PERMITS, AND CHAPTER 13.04, MAUI COUNTY CODE, RELATING TO RECREATIONAL AREA REGULATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-182, from the Mayor, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Sorry, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-166.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 3, 2015, and November 17, 2015, to consider a proposed bill to repeal outdated transitional provisions in Section 7 of the Ordinance 3143, and to allow the Department of Parks and Recreation to issue new permits for commercial ocean recreational activity.

Your Committee notes Ordinance 3143, enacted in 2003, established a new permitting system in Chapter 13.04 of the Maui County Code, administered by the Department of Parks and Recreation, which replaced the old permitting system under Chapter 5.24 of the Maui County Code, administered by the Department of Finance.

Ordinance 3265, enacted in 2005, modified the environmental assessment requirement to require the County to prepare the environmental assessment; and to restrict the environmental assessment requirements to businesses that did not have a permit under the old permitting system.

Your Committee was informed that no environmental assessment under the new permitting system has been performed, resulting in a moratorium on the issuance of new permits for commercial ocean recreational activity.

The Director of Parks and Recreation brought this measure forward to allow those, other than the current permit, permit holders to have the opportunity to obtain a permit under Chapter 13.04. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on the measure?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, Members, unfortunately I was not actually physically present at this Committee meeting. And, and hearing the, seeing the written testimony, hearing the verbal testimony here today, and just getting, even on our short break, phone calls and messages, there's just, for me, personally, I have an uneasiness in supporting this at this time. And, again, I was not physically present at the Committee, but I'm trying to gather all the information we have here today, and trying to sift through and balance it all out.

And, I just, hearing from the actual people who live with these permits and have been doing business for many, many years here, on our, along our oceans, and the having their doubts about it themselves. I just, at this time, again, cannot support it.

And, I would like to see it deferred as they're stating. And, I think they're, their reasoning is Director, Deputy Director Savage said that they would be drafting some new rules in only three to four months. So, I guess the public is wondering why the rush at this point. And, if it can just wait a few more months to really iron out the kinks and, I guess, concerns in their, in their head, in their minds too at this point.

So, unfortunately, I won't be supporting this. And, those are my comments. Thank you, Chair.



CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Yea, I just, since Member Cochran wasn't there during the Committee meeting, I'll just give a brief overlay so those Members who weren't there or are not part of the Committee can have a better understanding.

What, what I gathered from the Committee meeting which in where the Director of Parks and Recreation presented, along with Corporation Counsel, was that the repeal of this Section 7 was basically to allow those vacant permits to be available for those, those individuals or entities that wanted to be eligible to acquire those.

Under the old section, the existing permittee holders are basically exempt from having an EA, environmental assessment. That doesn't, the repeal of this, of this section doesn't pertain to any of the, the cap limitations that the County has. So, years, and years ago, when we first did this ordinance, we said, based off of the study that we, we appropriated to do, based off the study, the County can, I guess hold or at least be able to accommodate, let's say for example, ten permits and there was a cap to that. So, any, anytime that there was a opening for a, a permit in the, under the, under the cap, they would be required to do an EA. So, those would be for the new permittee holders, I guess those who would want to apply for it.

The existing permittee holders that got in at that stage, did, never had to do an EA. So, I can understand having an EA requirement passed the cap. But, apparently, according to the Director, there has been three or four vacant permits that have been vacant for decades, because they haven't been, no one's been eligible to acquire those permits because of the requirement of the EA.

So, I guess this is one way of initially starting out the discussion for the Department in their, I guess, future endeavors to try to look at the, the rules and regulations of CORA.

It was my understanding that the Director had put on the, on the record as the testifier did say, and he explained it very well that he wasn't going to touch any of the existing permittees that are in place right now, but only to be looking at filling the vacant permits. And, this would not, the repeal of this would not, in any affect, any way affect the cap that we have imposed right now. And, it also will not affect the, the prohibition of certain designated areas that we said that there would be no CORA

activity. And, so, all those stay in place. It's just about filling those vacant spots that are under the cap, okay. Thank you.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I concur with, I was at the meetings and what Mr. Guzman said is very accurately reflects what's going on.

Just want to mention that there was no requirement for a EA in HRS 343. This is the Council, at the time said, let's just so we can see what's happening, they anticipated at the time that somebody would want to do it right away, would fill those permits. The EA requirement was on the County to do the EA if they were going to issue, fill up those last three or four permits.

As things have gone in the last six or seven years that this has been passed, it doesn't appear that adding three or four were going to hurt anything. And, I think Mr. Guzman is right in leading us to this repeal of this Chapter. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion on this item, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, so, thank you, Members for sharing your folks comments from the actual Committee work, so I appreciate that. But, just to get a clear picture, if I may, Chair. This repeal is basically for Department, in order for Department to fulfill those vacant permits? That, I mean, that's really what this is boiling down to, and not to negatively affect existing permittee holders in any way.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. And, yes, I, I would agree with that statement. And, I remember distinctly, you know, yourself Chair, as well as Mr. Victorino and, and myself, making sure that this would not affect the current businesses. That is not our intent. And, we made it very clear to the Director that if he were to do so, then you know, that would not be a good thing.

So, I, in the best interest of the, the businesses that are currently hold their permits, I think every one of us on this Council floor do not want them to be hurt in any way. It's, they've been a long established businesses since, so we, we also really appreciate them doing a good job looking after our beaches and making sure that our, our visitor industry is up and running, and healthy. So, thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm not a voting member of this Committee and unfortunately, I wasn't able to sit in on the meeting. But, I did have the opportunity to watch the rebroadcast on Akaku, and I did see the meeting, and I listened to the discussion. And, I'm very comfortable in supporting the Chair's recommendation.

CHAIR WHITE: Thank you. And, the, the Chair will add that I have, I've had the same concerns as Ms. Cochran voiced, because, you know--

COUNCILMEMBER BAISA: Of course.

CHAIR WHITE: --anytime government has control over your business, you can't, you can't rest and you can't relax. And, so I think the, those folks from the ocean activities are rightfully here watching out for themselves. And, I, I think that's a, it's an important thing for them to do. At the same time, we have assurances from the Department that this will not affect the existing permit holders. And, so, we'll take them at their word. And, of course, our relationship with them depends on them being straight with us. So, the, the Chair is comfortable supporting this as well.

Any further discussion on this item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, lastly Chair, thank you and thank you, Members. And, you know, I, I don't want to undo or go against the hard work the Committee has done, so I will be in support. And, thank you for your explanations. And, as you state, Chair, we're taking the word Department has stated on record, and this and that, so I'll be comfortable. And, of course, we're always at liberty to adjust and change things as we go along. If we find adverse, unintended consequences per se, occur, we have that power and duty to address that, so.

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 85 (2015).

COMMITTEE REPORT

NO. 15-167 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION  
COMMITTEE:

Recommending the following:

1. That Resolution 15-151, entitled "ENCOURAGING THE DEVELOPMENT OF ENTITLED RESIDENTIAL-HOUSING PROJECTS," be ADOPTED; and
2. That County Communication 15-261, from Council Chair Mike White, be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN HOUSING,  
HUMAN SERVICES, AND TRANSPORTATION COMMITTEE  
REPORT 15-167.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. On behalf of Committee Chair Crivello, your Committee met on November 19, 2015, to consider a proposed resolution introduced by Council Chair White, to encourage the development of residential-housing projects that have the governmental approvals necessary to proceed. The resolution also encourages developers of those residential-housing projects to inform the Director of Housing and Human Concerns of any impediments to development so the County Administration and the Council may consider alleviating them.

Your Committee notes the resolution cites the Maui Island Plan for a forecast of housing units needed and units currently entitled. The Maui Island Plan states a projected housing demand of 83,659 units in 2030, existing Maui housing stock of 54,070 units, and currently entitled housing units of 18,744. So even if the currently entitled housing units are constructed, the Maui Island Plan reflects an estimated unmet housing demand of 10,845 units by 2030.

Your Committee notes the shortage of housing will be particularly acute if the projects that already have the land use entitlements needed to proceed are not timely constructed.

Your Committee voted 5-0 to recommend adoption of the resolution and filing of the communication.

I ask for the Council's full support of the motion on the floor.

CHAIR WHITE: Thank you, Ms. Baisa.

Members, any further discussion on this item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Seems I have a lot to say today. In regards to this, I completely agree, and is so happy to see this at Committee level. I, what I'd like to also shed light upon, that I've been finding out in looking at these developments that have entitlements and zoning changes what have you, is that these changes have not been in concurrence with Real Property Tax Division. They are not notified. They are not alerted that things have changed, thereby the assessment of their taxes being due to us has not been changed.

So, many of these entitled properties have been from ag to urban and what, you know, subdivision approval and everything, have not been paying the new zoning changes. So, I'd like to make sure that we stay on top of that and somehow figure a mechanism that's going to alert the powers that be, that this County is rightfully, you know, is due their rightful taxation funds. So, thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

The Chair will just note that we have quite a number of housing developments that have been entitled, but simply don't pencil out because of the significant burden of, of the workforce housing requirement of either 50 percent or, in some cases, higher.

We also have project districts, some of which have a 10 percent housing requirement, affordable housing requirement, and others that have up to 50 percent. So, we have one company competing against another when you've got a, a much heavier burden as a 50 percent affordable requirement.

And, the Chair's perspective is that the less housing we build, the less affordable all housing is because supply, if the supply doesn't exceed the demand, then housing prices are going to go up. And, so, it's, it's my hope that some developers who have been saddled with, not just the affordable housing type of requirements, but I'm aware of one in Wailuku that's been required to add a bridge. Well, if you take that bridge and divide it by the number of houses in that, that development, it's a significant amount of responsibility for a new homeowner to shoulder. I wouldn't want to have my share bridge put on my mortgage.

So, it's my hope that some of the folks that are in control of these developments will take the opportunity to reassess the situation and come back to Department of Housing and Human Concerns and, and the Council, and ask for adjustments that we have already made for people going forward. And, we should be willing to do for people who have the entitlements but simply can't get the projects to move forward because they don't pencil out.

With that, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-151.

COMMITTEE REPORT  
NO. 15-168 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT  
COMMITTEE:

Recommending the following:

1. That Resolution 15-152, entitled "TERMINATION OF LICENSE AFFECTING LOTS 143, 144 AND 145 OF THE PUKALANI LOTS AT KEAHUA, KULA, ISLAND OF MAUI, HAWAII," be ADOPTED; and
2. That County Communication 15-241, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-168.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee discussed the proposed resolution at its meeting on November 16, 2015.

The Director of Public Works stated the license is not needed because the County has never exercised its rights under the license, and has no intentions of doing so in the future.

Adoption of this proposed resolution and its recordation at the State Bureau of Conveyances will satisfy the requirements for terminating the license.

I respectfully ask for my fellow Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.



CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-152.

COMMITTEE REPORT

NO. 15-169 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 15-153, entitled "AUTHORIZING THE GRANTING OF EASEMENTS FOR SEWERLINE PURPOSES TO HOSPICE MAUI, INC., PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 15-262, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE REPORT 15-169.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Your Committee discussed the proposed resolution at its meeting on November 16, 2015.

And, your Committee notes that Council may grant easements of, by resolution, pursuant to Section 3.44.020, Maui County Code.

And, this easement will allow Hospice Maui to connect its facility to our County's wastewater system; pretty straightforward. I thank Mr. LaGoy for being here today, also, to testify on behalf.

And, I respectfully ask for this Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-153.

#### COMMITTEE REPORT

NO. 15-170 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-154, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A SCENT TRACKING DOG TO THE COUNTY OF MAUI POLICE DEPARTMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 15-279, from the Chief of Police, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Mahalo, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-170.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At our meeting of November 16, 2015, your Policy and Intergovernmental Affairs Committee voted 6-0 to recommend the adoption of the proposed resolution to accept a scent-tracking Labrador Retriever valued at \$5,000 from the Friends of the Missing Children's Center of Hawaii for the Department of, for the Department of Police, and the filing of this communication.

The County has, has, does not have a scent-tracking dog at this time. The dog will be trained to locate living persons. It will be assigned to the special response team to search for missing persons and fugitives.

I sincerely ask, I sincerely thank the Friends of the Missing Children's Center of Hawaii for this generous donation, and request that my Members consider this motion most favorably. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion on this item, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with a couple of "ayes" that I heard and there were others that were there, but--

COUNCILMEMBER VICTORINO: Everybody was "aye".

COUNCILMEMBER COCHRAN: "Aye".

CHAIR WHITE: --less, less audible. So, thank you.

Measure passes with seven "ayes", and zero "noes", two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-154.

#### COMMITTEE REPORT

NO. 15-171 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-155, entitled "ESTABLISHING A SPECIAL COMMITTEE ON COUNTY GOVERNANCE," be ADOPTED; and
2. That County Communication 15-247, from Council Chair Mike White, be FILED.

*East Maui - Jonathan Starr;*

*Kahului - Renee Kehau Filimoe`atu;*

*Lanai - Linda Kay Okamoto (a.k.a. Kay Okamoto);*

*Makawao-Haiku-Paia - James J.C. Haynes III (a.k.a. Kimo Haynes);*

*Molokai - Paula Friel;*

*South Maui - Ray Phillips;*

*Upcountry - Doreen Pua Canto (a.k.a. Pua Canto);*

*Wailuku-Waihee-Waikapu - Anthony Takitani (a.k.a. Tony Takitani);*

*West Maui - Tamara Paltin;*

*At-large - Madge Schaefer; and*

*At-large - David DeLeon (a.k.a. Dave DeLeon)*

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

MAY I, I MOVE TO ADOPT THE RECOMMENDATIONS OF  
COMMITTEE REPORT 15-71 [SIC].

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: At our meeting of November 16, 2015, again, your Policy and Intergovernment Affairs Committee voted 9-0 to recommend the adoption of the proposed resolution to form an 11-member Special Committee to consider the merits of the County Manager form of governance for the County of Maui, and, if warranted, to make recommendations to this Council on how this form should be structured.

The Committee recommended that the Special Committee consist of members from each district, and two at-large.

The Special Committee will have 180 days from today to recommend back to the Council, which is June 1, 2016. The Special Committee will retain a non-voting facilitator to provide assistance in its performance of its functions.

Subsection 11-119(b), Hawaii Revised Statutes, requires that the County Clerk submit a proposed Charter amendment question to the State Office of Elections no later than 75 days prior to the General Election. The next General Election is on November 8, which means the deadline to submit, submission of a ballot question is August 25, 2016.

Section 14-1(1) of the County Charter requires two readings of, on separate days to adopt a Council initiated, excuse me, resolution proposing the Charter amendments. In addition, the County Clerk must translate the Charter amendment question and would stick, typically takes 10 business days, and which brings us back to August 11, 2016. This means the last date for the second and final reading of a proposed legislation would be August 5, 2016 Council meeting.

With all that being said, I will hope this Committee, if passed today, and I hope my Members will vote favorably, that this, this Committee has a daunting task. And, I

wish them nothing but success and when, and await their recommendations back to us. Mr. Chair, thank you very much.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, a couple things. I wanted to support this measure in its entirety, including leaving the word "esteemed" in there, because "esteemed" means having a, a, either an illustrious reputation or somebody respected. And, I respect all 11 of these folks for putting their lives on hold a little bit to, to come and commit to this project. So, I, I truly respect that.

But, I do want to caution this group should we pass this, is that this isn't a done deal as far as what they're going to come up with as was suggested by another testifier. This is a, I, I would like them to take a look at all, all options and figure out what is, if there is anything wrong. I think the first thing they should do is figure out if there's anything wrong. And, if there is, then what are the options to fix it?

And, I expect them to do, do just that, cause this is a really good group of citizens here that have, have done the volunteering for this. So, I do respect their time, their, their giving of their time. And, do want to make sure that they come in with a open mind and figure out what's best for the County of Maui. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Oh, thank you, Chair. I, I also would like to thank Corporation Counsel for conducting the general conflicts checks for the nominated Special Committee Members, and if we can put that on the record, in terms of what they, they discovered, or what the results of the conflict check was. Thank you.

CHAIR WHITE: Are you asking for a response from the Corp. Counsel?

VICE-CHAIR GUZMAN: Yes.

CHAIR WHITE: Okay.

VICE-CHAIR GUZMAN: For the record. Thank you.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Chair, if I may, in terms of clarification on the conflicts checks, I believe our office was asked to determine whether or not any of the Members had any pending litigation with respect to the County. And, the internal review of the names identified, revealed that there were no pending litigated matters involving the individuals identified in your list.

CHAIR WHITE: Thank you very much.

Any further discussion, Members?

I'm, I would like to thank the members that were named to the Committee. I believe all of them have accepted the responsibility. I agree that they are all respected members of our community, and will do a wonderful job moving this issue forward.

I agree with Mr. Couch, this is not a, this is not a requirement of the Committee to come up with a amendment to the Charter. It's a requirement from them to study whether that should be done or not.

So, I look forward to a very active and exciting discussion amongst the Committee Members, and we'll see where that leads. And, so, with that I'm, I'm excited to support this.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-155.

CHAIR WHITE: Actually, before we move on, the Clerk had mentioned to me, in your motion that he didn't hear the 171, he heard 71. So, just to be on, make sure--

COUNCILMEMBER VICTORINO: 171.

CHAIR WHITE: 15-171.

COUNCILMEMBER VICTORINO: Yea, it was 171. Thanks, Mr. Chair, for that correction.

CHAIR WHITE: Just to clarify.

I'm sorry, Mr. Clerk, please go ahead.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

### COUNTY COMMUNICATION

NO. 15-287 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated November 12, 2015)

Transmitting 70 contracts/grants for October 2015.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-287, AND IF  
THERE ARE ANY CONSIDERATIONS FROM ANY OF THE  
MEMBERS, THAT THEY BRING THAT UP.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion from Mr. Couch and a second from Mr. Victorino.

Any recommendations for, or wishes to have specific contracts referred to Committee? Seeing none, all those in favor of the motion please signify by saying "aye".



AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", two "excused".

Mr. Clerk.

NO. 15-288 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,  
(dated November 27, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4128, BILL NO. 32 (2014), AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR VARIOUS WATER PROJECTS, FISCAL YEAR 2015 BUDGET ORDINANCE".

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE TO DISCHARGE THE BUDGET AND FINANCE COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION 15-288.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

COUNCILMEMBER COUCH: Mr. Chair--

CHAIR WHITE: We have a motion to discharge from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, the, this matter relates to an amendment to the Fiscal Year 2015 intergovernmental agreement between the County and the State's Drinking Water Treatment Revolving Loan Fund for various water projects.

The amendment must be finalized prior to the close of the CIP period, which ends on December 31, 2015. Otherwise, funding for the projects will lapse. Time is of the essence.

CHAIR WHITE: Thank you, Ms. Baisa.

Any further discussion?

COUNCILMEMBER VICTORINO: Yes, Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, real quickly. This is, as Ms. Baisa has mentioned, and the Director was here a couple of days ago to, to discuss this matter with us. It's very urgent that this be passed. And, without this a sizeable amount of money would lapse. I think something like 6, \$7 million. So, we don't want to lose that opportunity cause there's some projects that are direly needed in this community.

So, I would hope my Members would support this. It's very, very important. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, I was at the meeting, and I definitely see the need and urgency in order to do this. But, I also recall Budget Chair Hokama stating that he wasn't quite happy at this, sort of last minute amendments and asks.

But, he'll let this one go. And, for future reference, not going to be too supportive of such asks from, from the departments.

But, I, I understand at this point. And, I agree that, to be on top of things, and I know we're working through our accounting ways, our "A", "B", and "C" accounts, so I understand. But, hopefully we can get things more, you know, on a, on board to be ahead of the game, I guess, so to speak. So, thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: The motion to discharge passes seven "ayes", zero "noes", and two "excused".

Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF  
COMMITTEE REFERRAL AND REPORT AS PROVIDED FOR  
IN RULE 7(E) OF THE RULES OF COUNCIL.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Approval of this motion, Chair, by a two-thirds vote of the entire membership of the Council will enable the Council to consider this proposed bill today. So, I really ask my Members for their support.

CHAIR WHITE: Thank you.

Any further discussion, Members, on the waiver? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

I'm sorry, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE THAT THE PROPOSED BILL ATTACHED TO  
COUNTY COMMUNICATION 15-288 BE PASSED ON FIRST  
READING AND BE ORDERED TO PRINT, AND THAT  
COUNTY COMMUNICATION 15-288 BE FILED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, the Budget and Finance Committee discussed this matter at its meeting of November 30, 2015. At the meeting, the Director of Water

Supply stated that bids for the Omaopio Tank and Wailuku Heights Tank Booster Projects were significantly higher than anticipated.

To cover the increased project cost, the Department is proposing to shift Fiscal Year 2015's State Revolving Loan Fund appropriations from the Lahaina Road Tank Booster Project. The Omaopio and Wailuku Heights projects are necessary to maintain existing services, and therefore, take priority over the Lahainaluna Road project which is an expansion of service and can be delayed until next fiscal year.

I urge the Council's support of this bill.

CHAIR WHITE: Thank you, Ms. Baisa.

Any further discussion on this item?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, and, and thank you, Ms. Baisa, and, and the Committee. And, I want to thank Ms. Cochran for allowing us to use the money from Lahaina for now. And, we promise, we will return it to her next year. Thank you, Mr. Chair.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, yea, I've been, you know, wanting to not, wanting to relinquish this amount, but I understand.

But, I'm also, and I wish I knew this during Committee with Director Taylor here, cause having heard one of the affordable housing projects, Kahoma, not being able to get County water service and thereby that project is on hold, would this Lahainaluna Booster Pump, for expansion purposes, be able to support that project?

So, again, that's for another day to discuss. But, I understand the need for Upcountry, and okay, and we can wait a little bit longer, but. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Just a quick remark. I'd like to thank Ms. Cochran for, I know how it is. We're all very protective of our districts, and we have to make sure that, you know, nothing happens to them.

Unfortunately, this is a priority. And, Director Taylor has made it very clear that if these projects are not done, and anything happens to these sources, there's going to be horrible, you know, bad, bad impacts. So, we kind of have to get them done.

But, Ms. Cochran, I promise you I'll stay on it.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 86 (2015).

NO. 15-289 - MIKE WHITE, COUNCIL CHAIR,  
(dated November 27, 2015)

Transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S JANUARY 1, JANUARY 15 AND FEBRUARY 19, 2016 MEETINGS".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 15-289.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Rule 2(B) of the Rules of the Council authorizes the Council, by resolution, to reschedule our regular meetings for a different date or place within the same month.

Rescheduling the County's, the Council's January 1 and January 15, 2016 meeting to January 8 and January 22, 2016, respectfully, would allow the Council and its Committee to have the Council Committee meetings weeks similar to normally scheduled meetings weeks.

In addition, the Councilmembers will be attending the 2016 National Association of Counties Legislative Conference in Washington, D.C., starting February 19, 2016 and February 26. This would allow greater participation by the Councilmembers at the NACo Conference.

I would respectfully request the Members support of this motion. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, could we have a brief recess please?

CHAIR WHITE: Yes. Brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:27 A.M., AND WAS RECONVENED AT 11:28 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CRIVELLO, HOKAMA, AND VICTORINO, EXCUSED.)

CHAIR WHITE: Okay, evidently, we, we did not have the filing of the county communication in the, in the motion. So, without objection, Members, we will add to the motion, the filing of County Communication 15-289.

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-156.

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 15-290 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated November 13, 2015)

Transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2015 to June 30, 2016 as of September 30, 2015 and the Capital Improvement Projects Report as of September 30, 2015.

The recommended action is that County Communication No. 15-290 be referred to the Budget and Finance Committee.



NO. 15-291 - DON COUCH, COUNCILMEMBER,  
(dated November 20, 2015)

Transmitting a proposed resolution entitled "APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF REVENUE BONDS FOR SOUTH MAUI LEARNING OHANA FOR THE BENEFIT OF KIHEI CHARTER SCHOOL".

The recommended action is that County Communication No. 15-291 be referred to the Budget and Finance Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 15-291 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 15-157. COUNTY COMMUNICATION NO. 15-291 WAS THEN FILED. See page nos. 68 through 75 for discussion.)

NO. 15-292 - GLADYS C. BAISA, COUNCILMEMBER,  
(dated November 24, 2015)

Relating to Coqui Frog Eradication Project grants.

The recommended action is that County Communication No. 15-292 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-293 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated November 10, 2015)

Transmitting a status update on the project as required by Modification No. 13, of Resolution 10-57, on behalf of Clayton Nishikawa, Managing Member of Kula Ridge, LLC.

The recommended action is that County Communication No. 15-293 be referred to the Housing, Human Services, and Transportation Committee.

(Councilmember Victorino returned to the meeting at 11:29 a.m.)

NO. 15-294 - JO ANNE JOHNSON WINER, DIRECTOR OF TRANSPORTATION,  
(dated November 11, 2015)

Transmitting two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, TO ESTABLISH THE MAUI METROPOLITAN PLANNING ORGANIZATION"; and
2. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII TO ESTABLISH THE MAUI METROPOLITAN PLANNING ORGANIZATION TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS".

The recommended action is that County Communication No. 15-294 be referred to the Housing, Human Services, and Transportation Committee.

(See pages 75 and 76 for discussion.)

NO. 15-295 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,  
(dated November 25, 2015)

Transmitting a proposed resolution entitled "URGING COMPETITION FOR INTERISLAND AIR TRAVEL".

The recommended action is that County Communication No. 15-295 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-296 - ALAN M. ARAKAWA, MAYOR,  
(dated November 24, 2015)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING A PROHIBITION MAKING IT UNLAWFUL TO DEFECATE OR URINATE IN OR ON PUBLIC PLACES";

2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.21, MAUI COUNTY CODE, RELATING TO LIQUOR IN COUNTY PARKING LOTS AND OTHER PUBLIC AREAS";
3. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING PROHIBITIONS RELATING TO LYING DOWN ON PUBLIC SIDEWALKS";
4. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING PROHIBITIONS RELATING TO THE TAKING OR ABANDONMENT OF SHOPPING CARTS"; and
5. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING A PROHIBITION THAT MAKES IT UNLAWFUL TO SOLICIT IN AN AGGRESSIVE MANNER IN PUBLIC PLACES".

The recommended action is that County Communication No. 15-296 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-297 - GLADYS C. BAISA, COUNCILMEMBER,  
(dated November 25, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AUTHORIZE AGRICULTURAL WATER RATES FOR PROPERTIES OWNED, OPERATED, OR MANAGED BY THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES".

The recommended action is that County Communication No. 15-297 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Are there any requests for--

COUNCILMEMBER VICTORINO: Mr. Chair, I'd like to ask for a quick recess please.

CHAIR WHITE: Sure. Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:31 A.M., AND WAS RECONVENED AT 11:35 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CRIVELLO AND HOKAMA, EXCUSED.)

CHAIR WHITE: The meeting of the County Council will please come back to order. And, we are, where are we Mr. Clerk?

COUNCILMEMBER COUCH: Referrals.

CHAIR WHITE: Oh, I'm sorry. Yea, there was a question about referrals. And, so we had a chat with Mr. Victorino during the recess. Are there any other requests for, or objections to the referrals as noted?

Mr. Couch.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 15-291

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Regarding item number 15-291, in accordance to Council Rule 7(E), in the case of bills or resolutions having a force and effect of law, things should be sent to Committee. And, in my opinion, this, it doesn't have the force and effect of law.

AND, SO, I'D LIKE TO ASK THAT, OR MOVE TO APPROVE  
THE RESOLUTION APPROVING THE ISSUANCE OF, BY  
THE PUBLIC FINANCE AUTHORITY OF REVENUE BONDS  
FOR SOUTH MAUI LEARNING OHANA FOR THE BENEFIT  
OF THE KIHEI CHARTER SCHOOL.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Okay, we have a motion from Mr. Couch and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. As we heard from the testifier, essentially this is another authority because Hawaii doesn't allow for these kind of bonds to be done in Hawaii, by Hawaii State, for County authorities. Wisconsin

actually does have one. It's called the Public Finance Authority, and they do issue bonds to other States back and forth.

But, they do, the IRS requires that the County of Maui, who is the governing authority of the land, say it's okay for them to get the bond, to give the bonds to the Kihei Charter School. And, we don't have any problem with that. It doesn't, at all, cause the County any responsibility. There's no responsibility on the County. We checked that with the Department of Corporation Counsel. And, if the Members would like to ask him those questions, that's fine.

So, I think this is an, a formality so that they can get their savings, \$150,000 savings on their loan. So, I would appreciate the, the Members support. Thank you.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: I do have one question. And, you know, I totally support this, let me start by saying that. But, I do have a question for Corporation Counsel.

Mr. Wong, my statement earlier that all charter schools are public schools under the State of Hawaii, Department of Education. They said they are a separate division, but they fall under that, and the closures, opening, sanctions, whatever fall under that guise. So, my question to you is, and I heard what Mr. Couch said, how come the State is not, is not a part of this? Because it really is a charter school under the Department of Education. And, that would be my question.

I'm not against you, Mr. Couch, please. I, I, I'm, and Gene knows I was going to ask this question, because it is a concern of mine. Even though we have no obligation, I still have a concern why the State doesn't do this. Why couldn't the State have done it?

But, anyhow, I ask you the question, sir.

CORPORATION COUNSEL: Chair.

CHAIR WHITE: Proceed.

CORPORATION COUNSEL: If I may. Unfortunately, Member Victorino, I don't have a direct answer to that question. I, I could look into and inquire with the Attorney General's Office whether or not they have a preference in that regard. But, as we sit here, I don't have an answer to your particular question at this time. Sorry.

COUNCILMEMBER VICTORINO: Okay. Thank you, Mr. Chair. And, you know, not to delay this project in any way, I mean I will support it, but I will ask the, the, and I will send a letter to Corporation Counsel asking the State what is their participation and why aren't they the governing entity, because the Charter schools fall under them. The land may be ours, but the schools still all fall under the Department of Education, charter schools I should say. So, I'm curious why. And, you've been in the State long enough to understand my curiosity, why not.

CHAIR WHITE: Absolutely, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR WHITE: Members, other discussion?

I have a question for Corp. Counsel. Would you agree with Mr. Couch's assertion that this is a resolution that has no force and effect of law?

CORPORATION COUNSEL: Chair, that's a very good question. I am perplexed by the concept of not having force and effect of law. Your Rules and the Charter does not define, to my satisfaction that does and does not have the force and effect of law.

There are distinguishing factors between ceremonial resolutions and resolutions. I guess, unless you consider this one a ceremonial resolution. I, I could not find, in your Rules, the definition except in the Charter and in the Rules, it does say that the legislative act shall be by bill and ordinance, and all other Council acts can be by resolution. This would fall under the all other Council acts. Whether or not it's a force and effect of law, I would reserve that comment because it's not properly defined for me.

CHAIR WHITE: Are you confident that the resolution, as drafted, places no responsibility on the County of Maui to perform should the, should the bonds in any way be, be not paid, or be left unpaid?

CORPORATION COUNSEL: Chair, I'm confident that the language that has been included in the resolution, that does specify that the County does not have any responsibility whatsoever in dealing with the, this bond issuance.

CHAIR WHITE: Okay, thank you.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, completely support Kihei Charter School and Mr. Zarro and everything. But, I mean, again, it's just kind of a, I guess something like this has never gone through us before, so it's sort of like what in the world. But, just looking, and I'm hearing Corporation Counsel, and he's comfortable. So, if our main defenders of the Council are comfortable, then I should be comfortable with that.

I'm looking at one of the "WHEREAS's", and it's stating, and I don't, page 2, the last "WHEREAS"; Authority must be approved by a governing body, highest ranking executive or administrator of that political jurisdiction of where this project is. So, that could be Mayor, correct? That could be Director of Finance, I would think. It wouldn't have to be this body. Or could it be, rather than the entire Council, a member who is the representative of that district, Mr. Couch? Or, something to that effect.

So, just, I mean, and I know Mr. Couch wants us to, you know, to be supportive and, and yes I am. But, just wondering if that sentence is also stating though, it could be Mayor, it could be Director of Finance.

CHAIR WHITE: Mr. Wong.

COUNCILMEMBER COCHRAN: In that last "WHEREAS" on page 2.

CORPORATION COUNSEL: Chair, I believe Ms., Member Cochran's read of that is, is accurate, it can refer to the executive branch as a possible entity that could approve this action. However, I, I believe the applicant in this circumstance has requested that this body be the appropriate body to review and approve this resolution.

COUNCILMEMBER COCHRAN: And, thank you, Corporation Counsel.

And then the last page, number 3, page 4, item number 3, just trying to make sure I understand the intent, "comply with the terms and intent of this resolution and the financing approved hereby". So is that locking us? And, I know we're saying that we're not, you know, held liable or, or of any direct or indirect way, but is that last, the wording in that last sentence having us tied to the financing, I guess, terms, as a body?

CORPORATION COUNSEL: Chair.

CHAIR WHITE: Corp. Counsel.

CORPORATION COUNSEL: If I may. I do not believe, Member Cochran, that that paragraph requires us to do anything further than, or this body to do anything further than adopting this resolution. To the extent that any further documentation may be required, certainly our Office would be the one to vet that document prior to any execution. So, as, as we sit here, my understanding is that the resolution in and of itself is the act that's required of this body and nothing further.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair. Thank you.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

AND, I FORGOT TO ADD FILING OF THE COUNTY  
COMMUNICATION. SO, IF, IF THERE'S NO OBJECTION, I  
WOULD LIKE TO HAVE THAT.

COUNCILMEMBER VICTORINO: No objections.

COUNCILMEMBER COUCH: And, to answer the concerns of Ms. Cochran as far as the applicable body, it says here, "for purposes of the tax-exempt bond rules, the applicable elected representative of a, of a particular governmental unit, means any of 1) the Elected Legislative Body; or 2) the Chief Elected Executive Officer", and then it goes onto a few others. So, it could be either/or, but I, knowing this Council's pension for wanting to make sure that they're apprised of everything, I think it's best that this be done at the Council level. Thank you.

CHAIR WHITE: Any further discussion, Members?

Right, I think, I think I kind of agree with Mr. Victorino that the highest authority over this particular kind of issue is the Board of Education and the State. So, but I, I, I do support what this is intended to do, because I think it's also safe to say that the charter schools don't necessarily get the same kind of attention from the Board of Education, or Department of Education, that the other schools do.

So, any further discussion, Members?

Ms. Baisa.



COUNCILMEMBER BAISA: Thank you very much, Chair. I just want to express my support. You know, I'm a big fan of charter schools. And, I'm certainly proud of our Kihei Charter School. It has done an excellent job. And, I would like to help them, you know, get whatever it is they need. And, so I am in support.

And, I've read this thing over and over, and I think it's very clear as to what we're committing ourselves to. So, I'm okay. And, especially with the Corp. Counsel saying this does not bind us to anything more than what we're putting in here. So, I'm okay.

CHAIR WHITE: Thank you.

And, Mr. Couch, you may have the answer to this. But, who actually pays the bond back? Who pays the?

COUNCILMEMBER COUCH: The charter school.

CHAIR WHITE: And, so they receive funding for the, those payments from the Department of Education, or?

COUNCILMEMBER COUCH: That's my understanding, yes.

VICE-CHAIR GUZMAN: Chair. I, I thought the, I thought the bond was with the non-profit entity that was a--

COUNCILMEMBER COUCH: Yup.

VICE-CHAIR GUZMAN: --attached with the charter?

COUNCILMEMBER COUCH: It's, I'm sorry.

CHAIR WHITE: It, yea, it is but somebody's got to, somebody's got to pay.

VICE-CHAIR GUZMAN: Right. I, and I think it's--

COUNCILMEMBER COUCH: I'm, I'm sorry, it is the South Maui Learning Ohana, which is the Board of the Charter School.

VICE-CHAIR GUZMAN: Can we, can we ask, Chair, if, if we have time from Mr. Zarro to come down here.

CHAIR WHITE: Without objections, I'll have Mr. Zarro come down to the podium.

MEMBERS VOICED NO OBJECTION.

MR. ZARRO: Thank you. Gene Zarro, CEO, South Maui Learning Ohana. To answer the question on the floor right now, the arrangement is this, and this will help clarify a couple things regarding the State's responsibility as well.

Charter schools being schools of choice, the State is not obligated to provide facilities for them. So, charter schools exist in lease-hold facilities right now. Kihei Charter School has four landlords.

The, what your question is, sir, is South Maui Learning Ohana will own the building. We will lease that building to Kihei Charter School, or about 90 percent of it. Kihei Charter School gets a per capita funding from the State of Hawaii Legislature. Out of that per capita funding comes the lease-rent that SMLO will charge the Kihei Charter School, which in turn will pay the debt.

This is an arrangement that's been going on for 15 years, which is why the USDA saw fit to give us the funding, because they know we'll be stable once we're in a position that is, where we can make long-term plans, and it's not escalating in cost, and all sorts of good things. If that helps.

CHAIR WHITE: Okay. Thank you. Yea, any other questions for Mr. Zarro while he's at the podium, Members? Seeing none, thank you very much.

MR. ZARRO: Thank you all for your time.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-157.

Mr. Chair, at this time I'd just ask if there's any objections to the other referrals as read by the Clerk?

CHAIR WHITE: Any further objections to the other referrals?

DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 15-294

COUNCILMEMBER COUCH: Mr. Chair. Yea, 15-294. Is that going to where again?

DEPUTY COUNTY CLERK: Currently, 15-294 is being recommended to the Housing, Human Services, and Transportation Committee.

CHAIR WHITE: Right.

COUNCILMEMBER COCHRAN: Wait, Chair.

COUNCILMEMBER VICTORINO: He said leave it. That's was his, the Chair's ruling.

COUNCILMEMBER COCHRAN: Okay, yea, I have an objection, not objection, but just a clarification, I guess, Chair.

I was, it was brought to my attention that number 15-294 being sent to HHT would not have time for this particular item?

CHAIR WHITE: Yea, I don't believe there's time sensitivity, and my, my estimate is that if Ms., if Ms. Crivello feels there's time-sensitivity to it, she can make room on her next calendar.

COUNCILMEMBER COCHRAN: Okay. All right. I guess it was the, more the time-sensitivity on behalf of Director of Department of Transportation, too, being she won't be here after the end of the month. So, if we could not get it in.

CHAIR WHITE: Yea, I, I would--

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: My guess is that Ms. Crivello will be willing and able to make some accommodation. And, I would, I would rather not start parceling things to other people's Committee without having the ability first to discuss that with them.

COUNCILMEMBER COCHRAN: Oh, okay, very good.

CHAIR WHITE: So.

COUNCILMEMBER COCHRAN: Okay, thanks. Was unaware that it was not discussed prior. Okay.

CHAIR WHITE: Yea, unfortunately, she's unavailable and we couldn't, couldn't nail it down. And, I just, I don't want to do that to any of the rest of you either, so.

COUNCILMEMBER COCHRAN: No, and I, I understand. I agree. Thank you for clarification.

CHAIR WHITE: Okay.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, if, is there no objections from the Members for the?

CHAIR WHITE: No objections for the remainder of the referrals.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, proceeding with general communications.

## GENERAL COMMUNICATION

NO. 15-10 - TIM T. ESAKI, MAUI LAND & PINEAPPLE COMPANY, INC.,  
(dated November 17, 2015)

Submitting the Annual Compliance Report in accordance with Ordinance No. 3889, West Maui Project District 5 (Pulelehua), Unilateral Agreement and Declaration for Conditional Zoning for property situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii; TMK (2) 4-3-01:82 (Lot 1) and TMK (2) 4-3-01:83 (Lot 2).

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request that that General Communication be referred to the Planning Committee?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so, so ordered.

The recommended action is that General Communication No. 15-10 be referred to the Planning Committee.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 79 (2015)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS BILL NO. 97 [S/C] (2015) ON SECOND AND  
FINAL READING.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Mr. Chair, this bill is a comprehensive update of the parking zoning districts. We've been doing this for all the different zoning districts. And this happens to be the parking, the park zoning districts. And, contrary to prior testimony, this has been vetted in three or four different meetings. So, I think, I think everybody is aware of what we're doing.

And, and, I respectfully ask for the Council's support of this bill.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, VICTORINO, VICE-CHAIR  
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

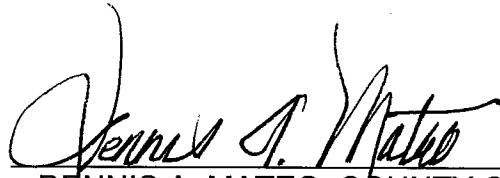
Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. And, Members, with that, we are adjourned. Thank you all very much.

### ADJOURNMENT

The regular meeting of December 4, 2015 was adjourned by the Chair at 11:55 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", is written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Friday, December 04, 2015

**Please Defer EAR37 (do not repeal Section7 of Ordinance 3143)**

Aloha, Council members and chair,  
Thank you for this opportunity to testify. We are against the deletion of Section 7.

Section7 currently prevents the over-issuance of CORA permits, by requiring a EA for new permits. This was the deliberate intention of the previous council and previous administration. This mechanism was put in place, based on years of public discussion, community meetings, industry testimony, and council interactions. The decision to create this specific section of the ordinance was not undertaken lightly.

- Removing Section7 entirely removes the last of the "checks and balances" that might prevent potential over-issuance of permits.
- Corp Council Jeff Ueoka confirmed that removing section 7 would change the intention of the previous council.
- Removing Section7, puts absolute power into the hands of one person, the Parks Director.
- He would have absolute unfettered power to revoke, change, add, issue, unlimited number of commercial permits to any beach parks or park facilities.
- Without section 7, There is no mechanism to ensure that any Caps are followed, there is no mechanism to ensure that these powers are not abused or accidentally misapplied.
- The Parks Director has the power to arbitrarily rewrite any administrative rules, without any public vetting or council involvement.
- Parks Director could immediately issue unlimited number of permits without any further oversight, or public input, vetting or approval.
- The Parks Director has already added new types of permitted activities.
- The Parks Director has already added new categories of commercial permit types like Food vendors & community Instructors.



Why we should defer this and wait for the new rules:

Parks has repeatedly failed to give any strong reasons why this measure is needed at this time.

- Ka'ala Said (at the last meeting Nov17); "I don't even know how many there are.... But it is not much, 2, 3, 5 permits, ..we may or may not actually issue them."
- "As Director I have the power to revoke all of the permits at any time"

What prevents over-commercialism of public parks?

- Corp Council Jeff Ueoka admits that removing Section 7 does undermine the intention of the previous council.
- Corp Council Jeff Ueoka says that even the CORA study sets no limits or Caps.
- The Parks Director and Corp Council appear to be indicating that they are actually not obligated to respect any "CAPS" set by previous administration.

New CORA rules will not be ready for several months:

- Deputy Dir. Brianne Savage said she is working on rule CORA rule changes that "should be available in 3-4 months".
- We strongly recommend that the proper time to review section seven, is when we have the New rules in hand.
- Nobody knows what implications or impact that the new CORA rules will have.
- At the last meeting (Nov17th) Parks Director gave Don Couch a vague verbal assurance that existing permits will not be given up for lottery.
- Ka'ala said, "As the rules are written now the permits will be renewed, but things could change.."
- Jeff Ueoka and Ka'ala confirmed that that, All permits will expire at the end of June (June30, Six months time).

The Kuleana (responsibility) of the Council:

It is the Kuleana of the Council to protect the community, and to protect the public interests fairly and intelligently. Therefore it is also the responsibility of the Council to ensure that the powers of the Parks Director do not become absolute, and there is always remains some mechanisms in place that ensure

that the interests of the community and the public parks are protected. And it is the responsibility of the council to ensure that any new permitting system, and new rules that will add new types and levels of impacts will always be subject to proper public discussion, and vetting.

Please Defer EAR37 (Please do not repeal of Section7 or Ordinance 3143):

We respectfully request that this measure deferred so that we can see the new rules and properly evaluate the scope of all its impacts, and properly review the implications for the CORA industry, and assess the potential negative impacts this could have on public beaches and park's resources.

Aloha,  
David Dorn

# Hawai'i Construction Alliance

P.O. Box 179441  
Honolulu, HI 96817  
(808) 348-8885

November 30, 2015

The Honorable Mike White, Chair  
and members  
Council of the County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

RECEIVED  
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OFFICE OF THE  
COUNTY CLERK

**RE: Support for Committee Report 15-167, and Adoption of a Resolution Encouraging the Development of Entitled Residential-Housing Projects**

Dear Chair White and members,

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of our state's construction industry.

The Hawai'i Construction Alliance recognizes the great need for affordable workforce housing throughout the State of Hawai'i, and particularly in Maui County. We support the resolution considered by the Housing, Human Services, and Transportation Committee in Committee Report 15-167, which encourages the development of entitled residential-housing projects.

The resolution points out many important facts about the state of housing in Maui County, including the fact that there is a lack of homes for sale below \$500,000; that high prices are harming working families earning 80% AMI or below, such as many of our members; and that there is a need for at least 14,000 housing units by 2025 to keep up with natural population growth and potentially 30,000 more housing units by 2030. Further information can be found in the Hawai'i Housing Planning Study, which was prepared for the County of Maui in 2011.

The Hawai'i Construction Alliance has been and will continue to be a strong advocate for various housing projects over the past few years, including Kahoma Village in Lāhainā, Kamalani in Kihei, and Wai'ale in Wailuku-Waikapū. We recognize, however, that these new projects will not be able to satisfy the large demand for new housing in Maui County by themselves. Other projects which have received entitlements for development over the past several years must also play a part in addressing Maui's housing crisis.

We appreciate the Council's efforts to work with Maui's home builders and developers to identify any impediments which are preventing the construction of already-entitled projects, and stand ready to support this effort in any way we can.

Mahalo,



Tyler Dos Santos-Tam  
Executive Director  
execdir@hawaiiconstructionalliance.org



## **Maui County**

December 4, 2015

### **TESTIMONY Maui County Council**

#### **Re: 15-165: RELATING TO THE ACQUISITION OF LAND FOR THE KULA AGRICULTURAL PARK EXPANSION**

Chair White, Vice Chair Guzman and Members of the Council:

Maui County Farm Bureau on behalf of our member farm and ranch families and organizations is in strong support of measure 15-165, relating to the Kula Ag Park Expansion with an understanding that provisions will be made to provide adequate water to this expansion without affecting current users.

Agriculture in Hawaii is in transition. Centers of agriculture have moved from Neighbor Islands to Oahu, the population center. Yet, we all know that concentrating agriculture in one area is not wise. Disease, weather and other conditions can create havoc, and without diverse locations, sustained and consistent Hawaii local production will not be possible. As investments were planned on Oahu, MCFB worked with Legislators and HFBB to ensure that neighbor islands were not forgotten in the process. Appropriation of funds, pending a match by the County was approved by the Legislature.

Upcountry Maui was once the center of vegetable production in the State. Through the transition of lands we find that many of the farms have changed ownership and the only large contiguous farmland in existence today is the Kula Ag Park. Certainty of the future use of the land, access to infrastructure and absence of urban-ag interface issues make the ag park design desirable for the viability of farm operations. Agriculture is risky by itself. Removal of some of the risk factors will increase the viability of these operations. The Maui General Plan seeks to increase agriculture to enhance Maui's level of self sufficiency. This measure is consistent with the Plan and is an important factor to implementing the measure. This will provide a means to target agricultural investments for future generations.

The location of the land in question is also important. Many crops need cool weather to grow well. The elevation of this parcel will allow growing Maui's signature crops such as onions and protea.

This expansion provides an excellent opportunity to highlight the need to address agricultural water in the County. Expansion can only occur because there is confidence that there will be viability. In recent years, one of the biggest challenges in addition to marketing and transportation is the access to reliable and affordable water. The most recent drought projections forecast severe drought conditions similar to that of 1998. Expedited efforts to ensure reliable and affordable water on these lands as well as the rest of agriculture on Maui is needed.

MCFB respectfully seeks your strong support of this measure while taking steps to address agriculture's access to water. Thank you for this opportunity to provide our opinion on this important matter.

Thank You

Warren Watanabe  
Executive Director, MCFB

December 3, 2015

To: Don Guzman, Chairperson and Chair members of the Economic Development, Energy, Agriculture and Recreation Committee

From: Suzanne Dorn, Maui Sports Unlimited LLC

Regarding: Bill to repeal section 7 of Ordinance 3143 relating to Ocean Recreational Activity Business Permits (EAR 37)

Aloha Chairperson Guzman and Council members,

I respectfully ask the Maui County Council to defer EAR 37 - Repeal of Section 7 of Ordinance No.3143.

I am asking the Council to defer from repealing section 7 until the updated rules have been released by Parks Department for review by the Council and CORA members before making any significant changes to CORA.

At the EAR committee meeting on November 17, 2015 Parks Director Ka'ala Buenconseco said the reason for this deletion is to issue new permits. Ka'ala then said "there aren't even that many permits". Ka'ala said "there are only two, three maybe five permits and we may not even issue them".

Deputy Director Brianne Savage who is working on the new rule changes said "The rule changes should be complete in three to four months".

I am asking the Council to please defer this bill until the draft rule changes are complete and the Council, CORA members and the public are able to view and comment on the proposed changes and the bill.

The deletion of section 7 bill is being rushed without merit.

In Summary:

- It was confirmed the only reason for the deletion of section 7 is to issue a few permits.
- Parks Director confirmed November 17th, 2015 that he may not even issue the few permits
- Deputy Director Brianne Savage confirmed she will be releasing new draft rules in 3-4 months

I respectfully urge the council and council chair to defer this premature bill until the draft rule changes and repeal of section 7 can be reviewed as a whole.

Regards,

Suzanne Dorn  
Maui Sports Unlimited LLC  
808-280-7060